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8 UNITED STATES DISTRICT COURT
9 FOR DISTRICT OF NORTHERN CALIFORNIA
10

11 DANIEL CAI,

12 Plaintiff,

13 vs.
14

15 CCL GROUP INC., DBA YOTAKA SUSHI
BAR & GRILL, EVELYN TANG & DOES 1
16 TO 10,

17 Defendant.
18

Case No.: C07-06444 WHA

**ANSWER TO COMPLAINT FOR
DAMAGES**

18 **COME NOW** the Defendants, and as and for their answer to the Complaint on file
19 herein, allege as follows:
20

21 **NATURE OF CLAIM**

22 1.

23 Defendants admit the allegations and statements in Paragraph 1 as alleged in the Complaint.
24

25 **PARTIES**

26 2.

27 Defendants admit that part of Paragraph 2 that alleges that Plaintiff Cai was an employee of
28 Yotaka Sushi Bar & Grill but demur to this particular paragraph as it fails to recite either the
commencement date of said Plaintiff's employment, and/or the termination date thereof.

1 3.

2 Defendants admit the allegations and statements in Paragraph 4.

3 4.

4 Defendants deny generally and specifically each and every allegation and statement in
5 Paragraphs 3, 5, 5 (a) through 5 (h).
6

7 **SUBJECT MATTER JURISDICTION AND VENUE**
8

9 5.

10 Defendants admit every and all GENERAL ALLEGATIONS and statements in Paragraphs 6
11 and 7.

12 6.

13 Defendants admit the allegations and statements in Paragraph 10.

14 7.

15 Defendants deny generally and specifically each and every allegation and statement in
16 paragraphs 8, 9, and 11.
17

18 **COUNT ONE**
19

20 8.

21 Defendants re-allege each and every allegation and statement in Paragraphs 1 through 7 of their
22 responses to each and every provision set forth hereinabove and incorporate them herein as
23 though set forth in full.

24 9.

25 Defendants deny generally and specifically each and every allegation and statement in Paragraph
26 13.
27
28

10.

Defendants deny generally and specifically each and every allegation and statement in paragraphs 14 through 19, specifically denying that Plaintiff has suffered any damage whatsoever.

WHEREFORE, Defendants pray judgment as hereinafter set forth.

COUNT TWO

11.

Defendants re-allege each and every allegation and statement in paragraphs 1 through 10 of their answer herein, and incorporate them herein as though set forth in full.

12.

Defendants admit each and every allegation and statement in Paragraph 22.

13.

Defendants deny generally and specifically each and every allegation and statement in Paragraphs 21 and 23 through Paragraph 27, specifically denying that Plaintiff has been damaged in any sum whatsoever.

WHEREFORE, Defendants pray judgment as hereinafter set forth.

COUNT THREE

14.

Defendants re-allege each and every allegation and statement made in their answer herein in Paragraphs 1 through 13, and incorporate them herein as though set forth in full.

15.

Defendants admit each and every allegation and statement in paragraph 30. Defendants deny generally and specifically each and every allegation and statement in Paragraphs 29 and 31, specifically denying that Plaintiff has been damaged in any sum whatsoever.

WHEREFORE, Defendants pray judgment as hereinafter set forth.

COUNT FOUR

16.

Defendants re-allege each and every allegation and statement made in their answer herein in Paragraphs 1 through 15, and incorporate them herein as though set forth in full.

17.

Defendants deny generally and specifically each and every allegation and statement made in their answer herein in Paragraphs 33 through 39, specifically denying that Plaintiff has been damaged in any sum whatsoever.

WHEREFORE, Defendants pray judgment as hereinafter set forth.

FIRST AFFIRMATIVE DEFENSE

As and for a first and separate affirmative defense, Defendants, and each of them, allege that this Complaint fails to state facts which constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

As and for a second and separate affirmative defense, Defendants, and each of them, allege that Plaintiff's recovery is barred by his constructive fraud in violation of California Civil Code Section 1573.

THIRD AFFIRMATIVE DEFENSE

As and for a third and separate affirmative defense, Defendants, and each of them, allege that Plaintiff's recovery is barred to the extent to which his damages, if any, have been proximately caused by his own negligent actions and/or omissions.

FOURTH AFFIRMATIVE DEFENSE

As and for a fourth and separate affirmative defense, Defendants, and each of them, allege that the Plaintiff is estopped from recovery by his own inequitable conduct and his own unclean hands in that he participated in a fraudulent transaction.

FIFTH AFFIRMATIVE DEFENSE

As and for a fifth and separate affirmative defense, Defendants, and each of them, allege that any damages the Plaintiff may have suffered have been caused by the acts of others and that if any such damages exist, they should be apportioned among Defendants and such other persons/entities.

PRAYER FOR RELIEF ALL CAUSES OF ACTION

1. That Plaintiff take nothing by his complaint on file herein;
2. For costs of suit incurred herein;
3. For reasonable attorney's fees pursuant to statute;
4. For such other and further relief as the Court may deem just and proper.

Dated this 8th day of April 2008

Law Offices of Ronald S. Galasi


RONALD S. GALASI
Attorney for Plaintiff